



Reprinted
March 1, 2005

SENATE BILL No. 348

DIGEST OF SB 348 (Updated February 28, 2005 5:22 pm - DI 110)

Citations Affected: IC 32-31.

Synopsis: Landlord disposal of property. Provides that a landlord may dispose of the tenant's personal property (1) after obtaining a court order authorizing the removal of an evicted tenant's personal property from a dwelling unit; (2) if the rental agreement has been terminated and the tenant has failed to remove the tenant's personal property; or (3) if the tenant has failed to pay rent within fifteen days after the rent was due, the tenant has not lived in the dwelling unit for the fifteen days, and the tenant failed to respond to notice sent by the landlord. Repeals superseded provisions.

Effective: July 1, 2005.

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January 11, 2005, read first time and referred to Committee on Commerce and Transportation.
February 10, 2005, amended, reported favorably — Do Pass.
February 28, 2005, read second time, amended, ordered engrossed.

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SB 348—LS 7788/DI 75+



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 348

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-31-4-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) If a landlord is
3 awarded possession of a dwelling unit by a court under IC 32-30-2, the
4 landlord may seek an order from the court allowing removal of a
5 tenant's personal property.

6 (b) ~~If the tenant fails to remove the tenant's personal property before~~
7 ~~the date specified in the court's order issued under subsection (a); the~~

8 (b) A landlord may remove and dispose of a tenant's personal
9 property if any of the following apply:

10 (1) The tenant fails to remove the tenant's personal property
11 before the date specified in the court's order issued under
12 subsection (a).

13 (2) Both of the following conditions exist:

14 (A) The rental agreement is terminated by:

15 (i) operation of law; or

16 (ii) terms of the rental agreement, which do not include
17 terms concerning the termination of a rental agreement

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for a tenant's failure to comply with an obligation of the rental agreement.

(B) The tenant fails to remove the tenant's personal property on or before the date that the rental agreement terminates.

(3) All of the following conditions are met:

(A) The tenant:

(i) fails to pay rent to the landlord not later than fifteen (15) days after the rent is due under the rental agreement; and

(ii) does not reside in the dwelling unit for the fifteen (15) days that the tenant fails to pay rent under item (i).

(B) The landlord sends notice to the tenant at the dwelling unit by certified or registered mail that:

(i) the tenant has failed to pay rent within fifteen (15) days after the rent was due under the rental agreement; and

(ii) the landlord intends to remove the tenant's personal property if the tenant fails to respond to the landlord's notice within five (5) days after the tenant receives the notice under item (i) or fifteen (15) days after the landlord sends the notice.

(C) The tenant fails to respond to the landlord's notice under clause (B)(i) within:

(i) five (5) days after the tenant receives the notice; or

(ii) fifteen (15) days after the landlord sends the notice.

landlord may remove the tenant's personal property in accordance with the order and deliver the personal property to a warehouseman under section 3 of this chapter.

SECTION 2. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 32-31-4-1; IC 32-31-4-3; IC 32-31-4-4; IC 32-31-4-5.

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill No. 348, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, strike lines 6 through 7, begin a new paragraph and insert:

"(b) A landlord may remove and dispose of a tenant's personal property if any of the following apply:

(1) The tenant fails to remove the tenant's personal property before the date specified in the court's order issued under subsection (a).

(2) Both of the following conditions exist:

(A) The rental agreement is terminated by operation of law or terms of the rental agreement.

(B) The tenant fails to remove the tenant's personal property on or before the date that the rental agreement terminates.

(3) All of the following conditions are met:

(A) The tenant:

(i) fails to pay rent to the landlord not later than fifteen (15) days after the rent is due under the rental agreement; and

(ii) does not reside in the dwelling unit for the fifteen (15) days that the tenant fails to pay rent under item (i).

(B) The landlord sends notice to the tenant at the dwelling unit by certified or registered mail that:

(i) the tenant has failed to pay rent within fifteen (15) days after the rent was due under the rental agreement; and

(ii) the landlord intends to remove the tenant's personal property if the tenant fails to respond to the landlord's notice within five (5) days after the tenant receives the notice under item (i) or fifteen (15) days after the landlord sends the notice.

(C) The tenant fails to respond to the landlord's notice under clause (B)(i) within:

(i) five (5) days after the tenant receives the notice; or

(ii) fifteen (15) days after the landlord sends the notice."

Page 1, strike line 7.

Page 1, line 8, strike "landlord may remove".

Page 1, line 8, delete "and dispose of".

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Page 1, line 8, strike "the tenant's personal property in".

Page 1, line 9, strike "accordance with the order.".

and when so amended that said bill do pass.

(Reference is to SB 348 as introduced.)

SERVER, Chairperson

Committee Vote: Yeas 11, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 348 be amended to read as follows:

Page 1, line 14, after "by" insert ":

(i)".

Page 1, line 14, after "law" insert ";

Page 1, line 15, after "or" begin a new line triple block indented and insert:

(ii)".

Page 1, line 15, delete "agreement." and insert **"agreement, which do not include terms concerning the termination of a rental agreement for a tenant's failure to comply with an obligation of the rental agreement."**

(Reference is to SB 348 as printed February 11, 2005.)

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